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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/933,071	09/18/97	HUSAIN	A 60/259-001

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MM51/0302

EXAMINER

ST CYR, D

ART UNIT PAPER NUMBER

2876

DATE MAILED: 03/02/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/933,071

Applicant(s)
Husain et al

Examiner
Daniel St.Cyr

Group Art Unit
2876



☒ Responsive to communication(s) filed on Jan 11, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-9 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-9 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 9/18/97 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 U.S.C. § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoda et al, US Patent No. 4,831,610.

Hoda et al disclose a method and apparatus for interactive control of a data recording medium playback apparatus using bar code access comprising: a disk storage 2 for recording a multiplicity of data wherein the data is audio (sound) and wherein the paper on which the identification code is printed contains written note representing in graphic form the content of the sound recorded; a memory 15 for storing a plurality of data, wherein the recorded and the stored data are retrievable using a unique identifying code 18 which assigned to the recorded and stored

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data during recording and storing sessions; a scanner 19 for scanning the identification code; a pickup 3 and control unit 13 (see figures 1 and 2; col. 4, line 9 to col. 5, line 42 +).

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoda et al in view of Bergeron et al, US Patent No. 5,126,543. Hoda et al have been discussed above.

Hoda et al fail to disclose or fairly suggest a microphone device for picking up sound.

Bergeron et al disclose an integrated hand microphone with barcode reader and dictation control wherein each dictation station includes a microphone. (see col. 2, lines 62-68).

It would have been obvious for a person of ordinary skill in the art at the time the invention was made to incorporate the microphone of Bergeron et al into the system of Hoda et al in order to provide Hoda et al with voice recording means. Such modification would make the system of Hoda et al more versatile wherein voice and other sounds would be recorded in the disk. Therefore, ^{would have been} it is an obvious expedient well within the ordinary skill in the art.

Response to Arguments

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6. Applicant's arguments filed 1/14/99 have been fully considered but they are not persuasive. (See examiner remarks).

REMARKS:

In response to the applicant's argument page 3, line 1 to page 4, line 10. The examiner respectfully disagrees. It is clearly understandable that the coordination of the identification code with the recordings must be done during recording process in order to facilitate the retrieval and playback. If the recordings are done and saved in the storage without any identification, an operator would not be able to identify a specific recording during a playback session. Therefore, it is inherent that the coordination of identification code with the recordings are done during recording process. The applicant's argument is not persuasive. Refer to the rejection above.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Papers related to this application may be submitted to Technology Center 2800 by facsimile transmission. Papers should be faxed to Technology Center 2800 via PTO fax machine located at Crystal plaza 4. The fax number is (703)308-7722.

Any inquiry concerning this communication from the examiner should be directed to **Daniel St.Cyr** whose telephone number is (703) 305-2656. The examiner can normally be reached between the hours of **8:00AM to 4:30PM** Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Donald T. Hajec**, can be reached at (703) 308-4075.

Any inquiry of general nature relating to the status of this application should be directed to the group receptionist whose telephone is (703)308-0956.

February 17, 1999

Daniel St Cyr
DS

[Signature]
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